

Appl. No. 10/623,546
Amdt, dated May 4, 2005
Reply to Office Action of Nov. 4, 2005

III. Amendments to the Drawings

The attached sheets of drawings include changes to Figures 9, and 13. These sheets, which include Figure 10, replace the original sheets including these Figures.

The remaining drawings are unchanged apart from replacing existing informal reference numerals and indicator lines with more formal reference numerals and indicator lines.

The following amendments have been made to the Figures:

- With reference to Figure 9, reference numerals 134 and 136 have been switched.
- With reference to Figure 13, reference numeral 122 has been removed.

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II. Remarks

The Applicant has made certain amendments to the description. The Applicant has amended the brief description of Figures 4, 5 and 7 to clarify what is shown. Certain amendments have also been made to paragraphs [0024], [0032] and [0034] to clarify their meaning.

Claims 1 to 19 are pending. Claims 1 and 14 are independent.

The Examiner rejected claims 1-6 and 9-16, as filed, for purportedly being anticipated by United States patent 4,164,105 to Herbst et al. With regard to independent Claim 1, according to the Examiner, Herbst discloses a barrier of variable dimension. According to the Examiner, with reference to Figure 1, Herbst discloses: a first member with a base and a pair of tabs (marked fig. 1) making a female connector; a second member having a pair of flanges (marked fig. 1) making a male connector, the tabs overlapping the flanges (fig. 2); a plurality of channel portions (marked. fig. 1) for making a continuous channel around the frame; and an insect screen.

The Applicant has amended Claim 1 to clarify that the opening is defined by a plurality of first and second members. Claim 1 has been amended to recite that the first member of the plurality of interconnecting members includes first and second edge portions, the first and second edge portions being folded toward each other to form a pair of tabs to provide a female connector. While not a substantive change, Claim 1 has also been amended to simplify the language to clarify that the second member of the plurality of interconnecting members has a pair of flanges providing a male connector configured for being received by the female connector for coupling the first member and the second member to one another, such that when received the pair of flanges overlap with the pair of tabs of an adjacent first member. Further, Claim 1 has been amended to recite that the channel portions attached to at least some of the first and second members provide a continuous channel disposed intermediate the first and second edge portions.

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While the Applicant has amended the application to further clarify the structure of the invention, with respect, the Applicant wishes to point out that the tabs as labelled by the Examiner in Figure 1 of Herbst provide a female connector only to the extent that they create a channel capable of receiving the part corresponding to reference numeral 4. Neither the flanges, nor the male connector (as labelled by the Examiner) are configured to be received in the female connector.

Further, Herbst does not teach a first member that includes first and second edge portions that are folded toward each other to form a pair of tabs to provide a female connector.

The overlapping of the folded tabs of the female connector with the male flanges provide a closed planar frame having a first edge portion and a second edge portion with a channel intermediate the two portions. The combination of the planar outer edge portion and the continuous channel prevents the ingress and egress of insects through possible abutment with at least two surfaces of the adjacent opening (the side and top.) Further, a barrier to insects is maintained, even in the case of significant warping of the first and/or second members. The structure of the interconnecting members is such that a continuous flange, resistant to warping, may be formed about the periphery of the closed frame.

With regard to Claim 14, according to the Examiner, Herbst discloses: a grouping of parts which make a barrier of variable dimension comprised of a planar frame; the barrier having a first member with a base and pair of tabs making a female connector; a second member having a pair of flanges making a male connector, the tabs overlapping the flanges; a plurality of channel portions for making a continuous channel around the frame; and an insect screen closing the opening of the frame.

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Claim 14 has been amended to recite that the first member of the plurality of interconnecting members includes first and second edge portions, the first and second edge portions being folded toward each other to form a pair of tabs to provide a female connector. Further, Claim 14 has been amended to recite that the channel portions each attached to a respective one of the members provide a continuous channel disposed intermediate the first and second edge portions.

The Examiner objected to Claim 16 for purportedly being indefinite. In particular, according to the Examiner, the preamble of Claim 14 is drawn to a subcombination frame kit, while Claim 16 is drawn to a frame kit and a catch basin opening in combination. The language of Claim 16 has been amended to clarify that the claim is directed to the kit of Claim 14 that provides a barrier that is configurable to conform to an adjacent entrance that is a catch basin opening.

New Claim 17 has been added which recites the barrier of Claim 1, wherein the adjacent entrance with respect to which the barrier is configured is a catch basin entrance.

New Claims 18 and 19 have been added, which depend on Claims 1 and 14 respectively, and recite a continuous flange.

Applicant further notes the rejection of claims 7 and 8 under 35 U.S.C. 103(a) in view of Herbst, however, Applicant submits this rejection is moot in view of amendments to independent claim 1.

Further, Applicant notes the prior art made of record and not relied upon by the Examiner, however, considers this art also not relevant in view of the above presented claim amendments and supporting remarks.

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It is believed that the above remarks and amendments submitted herein have placed this present application in condition for allowance, and a Notice thereof is requested. If the Examiner has further concerns, he is encouraged to contact Applicant's undersigned agent at 416-862-4318. All correspondence should continue to be directed to listed address shown below.

Respectfully submitted,


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